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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,958	10/31/2003	Udo Klein	16104-013001 / 2003P00608	8797
32864 7590 01/03/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WEI, ZHENG	
			ART UNIT 2192	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/698,958

Applicant(s)

KLEIN, UDO

Examiner

Zheng Wei

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/23/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/15/04, 3/25/05, 4/20/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the application filed on 10/31/2003.
2. Claims 1-23 are pending and have been examined.

Oath/Declaration

3. The Office acknowledges receipt of a properly signed oath/declaration filed on Feb.17, 2004.

Priority

4. The priority date considered for this application is October 31, 2003.

Information Disclosure Statement

5. The information disclosure statements filed on 01/15/2004, 03/25/2005 and 04/20/2005 have been placed in the application file and the information referred to therein has been considered.

Drawings

6. The replacement drawings filed on December 23, 2004 are objected by the Examiner because all the replacement drawings are not labeled as "Replacement Sheet". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 11-13, 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11-13, 19 and 22:

The term "kernel of the computer system" in claims 11-13, 19 and 22 is a relative term which renders the claim indefinite. The term "kernel of the computer system" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose for compact

examination, the Examiner treats the term "kernel of the computer system" as --
kernel of the computer operating system--

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 7-10, 16 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Baber (Baber et al., US 6,658,485 B1)

Claim 1:

Baber discloses a method of gathering information about a user message, the method comprising: detecting a user message identifier that a program uses in presenting a user message in a computer system where the program is being executed (see for example, Fig.4, step 420, Fig.6, step 600 and related text, "Extract item identifier from message"); and using the detected user message identifier in storing information about the presented user message in a log that is accessible to a user of the computer system (see for example, Fig.6, step 620 and related text, also see, col.14, lines 14-19, "Block 620 generates the

information to be stored on the notification queue 370 for the message segment, form received parameters which specify the item identifier...").

Claim 2:

Baber further discloses the method of claim 1, wherein the user message identifier is detected in a unit of the computer system where a majority of user message identifiers can be detected (see for example, Fig.6, "RQ" and related, also see col.13, lines 64-66, "receiving queue mechanism 360").

Claim 3:

Baber further discloses the method of claim 1, further comprising detecting a second user message identifier used by a second program in presenting a second user message, and storing information about the second user message in the log (see for example, Fig.4, and the loop from step 400 to 460 and related text.)

Claim 7:

Baber further discloses the method of claim 1, wherein the stored information includes one selected from the group consisting of: the user message identifier, how many messages associated with the user message identifier have been presented, to which user in the computer system the user message was presented, a date when the user message was presented, and combinations

thereof (see for example, col.14, lines 14-19, "identifier and priority, and optionally a 'percent complete' indication, and the file name...").

Claim 8:

Baber further discloses the method of claim 1, wherein the stored information comprises a text of the presented user message. (see for example, col.14, lines 14-19, "identifier and priority, and optionally a 'percent complete' indication, and the file name...").

Claim 9:

Baber further discloses the method of claim 8, further comprising determining the text by accessing a storage of message texts (see for example, col.14, lines 5-10, "data repository such as a file on a disk drive").

Claim 10:

Baber further discloses the method of claim 1, wherein the stored information comprises one selected from the group consisting of: a sequence number of the presented user message, a name of the program, an event that triggered the program to present the user message, information on where in the computer system the user message was triggered, a system flag status when the message was triggered, and combinations thereof (see for example, col.14, lines 14-19, "identifier and priority, and optionally a 'percent complete' indication, and the file

name...").

Claim 16:

Baber discloses a computer program product (see for example, Abstract, "a method, system and computer-readable code", also see col.6, lines 44-66, "implemented as a computer software program") containing executable instructions that when executed cause a processor to perform operations as in claim 1 above which comprising: detect a user message identifier that a program uses in presenting a user message in a computer system where the program is being executed; and use the detected user message identifier in storing information about the presented user message in a log that is accessible to a user of the computer system. Therefore, it is also anticipated by Baber.

Claim 21:

Baber further discloses a computer system (see for example Fig.1) that can be used to perform the method in claims 1 and 2 above comprising: at least one program being executed; and a detection module detecting a user message identifier that the program uses in presenting a user message, the detection module storing information about the presented user message in a log that is accessible to a user of the computer system. Therefore, it is also anticipated by Baber.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
12. Claims 4, 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baber (Baber et al., US 6,658,485 B1) in view of Hickson (Hickson et al., US 2003/0033440 A1).

Claim 4:

Baber discloses the method of claim 1, but does not disclose the method further comprising accessing a list that identifies the information about the presented user message that is to be stored in the log. However, Hickson in the same analogous art of method of logging message discloses the method comprising accessing a list that identifies the information about the stored user message (see for example, Fig.4, step 402 and related text, also see paragraphs [0032]-[0033], "hash value"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Hickson's method to find the reference of saved message in the log in Baber's invention. One would have been motivated to do so to find information about saved

message efficiently instead of scanning whole log file as Hickson suggested (see for example, paragraph [0032])

Claim 6:

Baber discloses the method of claim 4, but does not disclose wherein the list specifies that information about a particular user message is not to be stored. However, Hickson in the same analogous art of method of logging message discloses the method comprising accessing a list that identifies the information about the stored user message (see for example, Fig.4, step 402 and related text, also see paragraphs [0032]-[0033], "hash value"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Hickson's method to find the reference of the message that is not saved in the log in Baber's invention. One would have been motivated to do so to find information about saved message efficiently instead of scanning whole log file as Hickson suggested (see for example, paragraph [0032])

Claim 17:

Claim 17 is the product version of the method as discussed in claim 4 above. It is well known in the computer art that the computer program product can be executed by a computer to perform method above, Therefore, it is also unpatentable by Baber and Hickson

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13. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baber (Baber et al., US 6,658,485 B1) in view of Hickson (Hickson et al., US 2003/0033440 A1) and in further view of Lodrige (Lodrige et al., US 6,691,175 B1)

Claim 5:

Baber and Hickson disclose the method as in claim 4 above, but do not disclose wherein the information is to be stored in one of at least two logs and one of the logs is a default log, further comprising storing the information in the default log for messages where the list does not specify one of the logs. However, Lodrige in the same analogous art of method for managing message between software modules discloses the method to store message in one of two queues (see for example, Fig.2, items 202, 204 and related text, "event queue", "data queue"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Lodrige's method to store the message in different queues. One would have been motivated to do so that a more efficient organization and propagation of data can be achieved as suggested by Lodrige (see for example, col.3, lines 44-53, "the advantages of the invention")

Claim 18:

Claim 18 is the product version of the method as discussed in claim 5 above. It is well known in the computer art that the computer program product can be

executed by a computer to perform method above, Therefore, it is also unpatentable by Baber, Hickson and Lodrige.

14. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baber (Baber et al., US 6,658,485 B1) in view of Pramanick (Pramanick et al., US 2004/0225465 A1)

Claim 11:

Baber discloses the method of claim 1, but does not explicitly disclose wherein detecting the user message identifier comprises introducing code in a kernel of the computer system, which code when executed monitors messaging information in the kernel. However, Pramanick in the same analogous art of method for detecting the user message identifier by using message handler in OS kernel (see for example code, p.9, paragraph [0018], "void CtestPlan MsgHandler::handleGetName()", "l_destId=senderId", "l_senderId=m_Id" and related text). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use code in kernel IO library to detect user message identifier. One would have been motivated to do so to enable a user to develop application specific classes for controlling site controllers in hosting operating system as suggested by Pramanick. (see for example, p.2, paragraphs [0023]-[0027])"

Claim 12:

Baber and Pramanick disclose the method of claim 11, Baber further discloses wherein the messaging information comprises at least one message statement generated by the program (see for example, Fig.7, step 710 and related text, "0 percent complete" message).

Claim 13:

Baber and Pramanick disclose the method of claim 11, Baber further discloses wherein the stored information comprises information from a call stack in the kernel (see for example, col.13, line 64- col.14, line 26, "The item identifier and priority, as well as the data content of this segment, are extracted from the message.")

Claim 14:

Baber further discloses the method of claim 1, but does not explicitly disclose wherein the user message identifier is detected in a message handler of the computer system. However, Pramanick in the same analogous art of method for detecting the user message identifier by using message handler (see for example, Fig.6, item 604 and related text, also see p.7, paragraph [0096]-[0097], "handlerMessage()", "FunctionTestMsgHandler 604", "message id"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use message handler to detect message identifier in Baber's invention. One would have been motivated to do so to provide a

convenient programming module for application development as Pramanick pointed out at page 7, paragraph [0093].

Claim 15:

Baber and Pramanick further disclose the method of claim 14, wherein the user message identifier is detected by monitoring events in the message handler. However, Pramanick in the same analogous art of method for detecting the user message identifier by checking the incoming message in message handler (see for example, p.9-10, paragraph [0118], "if (m_pTestPlan->getName(testName) != NULL)", "long l-senderId=m_Id"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor event (message condition) in message handler to detect message identifier in Baber's invention. One would have been motivated to do so that the message handler can be able to handle error control.

Claims 19 and 20:

Claims 19 and 20 are the product version of the method as discussed in claim 11 and 14 above respectively. It is well known in the computer art that the computer program product can be executed by a computer to perform method above, Therefore, they are also unpatentable by Baber and Pramanick

Claims 22 and 23:

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Claims 22 and 23 claim the computer system that can be used to execute the method as discussed in claims 11, 14 and 15 above respectively. It is well known in the computer art that the method above can be practiced, executed and performed in such computer system. Therefore, they are also unpatentable by Baber and Pramanick

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Ron Kleinman (EP 0735471 A2) discloses a method and apparatus for interpreting exceptions in a distributed object system to detect and log user message.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW



TUAN DAM
SUPERVISORY PATENT EXAMINER